

US Serial No. 10/781,927

Attorney Docket No. 04-17

REMARKS

Applicants respectfully request reconsideration and allowance of original claims 1-13 and new claims 14-19. Claims 14-19 correspond to original claim 7-12, except claims 14 and 19 have been rewritten in independent form to incorporate the limitations of claim 1. Claims 15-18 depend from claim 14.

Section 102(e) Rejection

The Examiner has rejected claims 1-6 and 13 as anticipated by US 6 634 702 to Pleschke. The Examiner argues Pleschke shows all aspects of the rejected claims, including a front face having a plastic cross member with a grid of ribs 8 and legs 9. The Examiner admits the cross-member includes metal supports in the legs. The cross-member includes a continuous sheet metal. See col. 4 lines 62-64.

Rejection under section 102(e) requires that the invention is anticipated in an application for patent before the invention by the applicants. Anticipation exists only where each and every material element of a claim is found in a single reference.

The present invention teaches a top cross-member of the front face having first and second structural parts interconnected with a body made of plastics material. Figure 1 of Pleschke shows an upper transverse support 2 made by the assembly of a sheet metal part 6 and plastics material ribs 8 (col. 4, lines 61-64). Pleschke at col. 5, lines 21-33 describes the production of the upper transverse support 2 using both the sheet metal part 6 and the plastic ribs 8.

Unlike Pleschke and the prior art, the present invention includes a top cross-member made of a plastics material interconnecting the structural parts. Supports comprising metal, such a Pleschke, are known in the prior art. See, e.g., page 2 lines 8-9.

US Serial No. 10/781,927

Attorney Docket No. 04-17

Manufacturers seek to lighten structural parts using plastics. See, page 2 lines 18-20.

Pleschke does not teach a cross-member without metal support. In contrast, the present invention describes a cross-member of a plastics material

Claim 1 of the present invention teaches a plastic cross-member. Claims 2-6 and 13 depend from claim 1. To attain the necessary rigidity, Pleschke requires a composite cross-member consisting of metal and plastic components. This configuration increases weight. Pleschke does not teach and cannot anticipate the cross-member of the present invention.

Claim Objections

The Examiner objects to claims 7-12 as being dependent upon a rejected base claim. Claims 7, 8 and 12 depend from claim 1. Claims 9 and 10 depend from claim 8. Claim 11 depends from claim 10. All objected claims depend ultimately from claim 1. In light of the above arguments, Applicants believe claim 1 is allowable. As such, Applicants believe claims 7-12 are no longer objectionable.

New claims 14 and 19 correspond to original claims 7 and 12, respectively. Claims 14 and 19 are independent claims, which include all limitations of claim 1. Claims 15-18 depend from claim 14. No new matter has been added. The total number of independent claims is three and the total number of claims is 19. No additional fees are due. Applicants request the Examiner to admit the new claims.

The Examiner has stated that claims including the subject matter of original claims 7-12 would be allowable if rewritten in independent form to include all limitations of base claim 1. Claims 14-19 satisfy this requirement and are allowable as independent claims.

US Serial No. 10/781,927

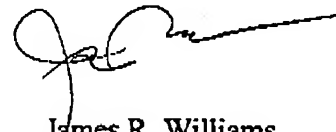
Attorney Docket No. 04-17

Applicants submit that Pleschke does not disclose the top member of claims 1-6 and 13. Objections to claims 7-12 should be removed in light of the allowability of base claim 1. New claims 14-19 are allowable as stated by the Examiner in his office action. Early and favorable action is earnestly solicited.

Date: 16 Mar 2005

Vesuvius USA Corporation
27 Nobletown Road
Carnegie, PA 15106-1632
Tel: 724-652-0821
Fax: 724-652-7984
email: jrwlaw@adelphia.net

Respectfully submitted,



James R. Williams
Reg. No. 43,268